

REMARKS

Applicants have carefully reviewed this Application in light of the Office Action mailed November 18, 2004. Claims 3 and 22 have been cancelled without prejudice or disclaimer. Claims 1, 2, 4-21 and 22-35 are pending in this Application. Claims 1-35 stand rejected under 35 U.S.C. §102(e). Applicants have amended Claims 1, 2, 4, 5, 8, 9, 15-21, 23, 24, 27, 28, and 30-35 to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 1-35 stand rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,389,455 issued to Richard C. Fuisz ("Fuisz").

Fuisz discloses a method and apparatus for automatically forwarding a user's e-mail to preselected forwarding e-mail addresses. A bounce system permits internet e-mail operability by providing a user e-mail account that serves as a routing hub. (Col. 2, Lines 1-3). If the user does not have access to the e-mail account, the user may provide a voice-mail message that is captured in an audio format and appended to a replay e-mail message communicated to the sender of the e-mail. (Col. 7, Lines 42-49).

Claim 1, as amended, recites a method comprising "receiving, by a mediation system, a request for voice-based communication from a communication device of a mediated party, the request for voice-based communication requesting commencement of a telephone call between the communication device of the mediated party and a mediation subscriber communication device . . . receiving, from the mediation subscriber communication device, data including a selected follow-through action," and "facilitating voice-based communication of the selected follow-through action, by the mediation system, for performing a mediated follow-through operation associated with the mediated party."

Claim 15, as amended, recites a method comprising "receiving, by a mediation system, a request for voice-based communication from a communication device of a mediated party, the request for voice-based communication requesting commencement of a telephone call between the communication device of the mediated party and a mediation subscriber communication device . . . receiving, from the mediation subscriber

communication device, data including a selected response from [a] selected media information menu,” and “facilitating voice-based communication of the selected response, by the mediation system, for performing a mediated follow-through operation associated with the mediated party.”

Claim 20, as amended, recites a computer program product capable of “receiv[ing] a request for voice-based communication from a communication device of a mediated party, the request for voice-based communication requesting commencement of a telephone call between the communication device of the mediated party and a mediation subscriber communication device . . . receiving, from the mediation subscriber communication device, data including a selected follow-through action,” and “facilitat[ing] voice-based communication of the selected follow-through action, by the mediation system, for performing a mediated follow-through operation associated with the mediated party.”

Claim 30, as amended, recites a computer program product capable of “receiv[ing] a request for voice-based communication from a communication device of a mediated party, the request for voice-based communication requesting commencement of a telephone call between the communication device of the mediated party and a mediation subscriber communication device . . . receiving, from the mediation subscriber communication device, data including a selected response from [a] selected media information menu,” and “facilitat[ing] voice-based communication of the selected response, by the mediation system, for performing a mediated follow-through operation associated with the mediated party.”

Claim 35, as amended, recites a system capable of “receiv[ing] a request for voice-based communication from a communication device of a mediated party, the request for voice-based communication requesting commencement of a telephone call between the communication device of the mediated party and a mediation subscriber communication device . . . receiving, from the mediation subscriber communication device, data including a selected follow-through action,” and “facilitat[ing] voice-based communication of the selected follow-through action, by the mediation system, for performing a mediated follow-through operation associated with the mediated party.”

Applicants respectfully submit that the cited reference fails to disclose each and every element of Applicants’ invention. Fuisz fails to teach a method or apparatus for “receiving,

by a mediation system, a request for voice-based communication from a communication device of a mediated party, the request for voice-based communication requesting commencement of a telephone call between the communication device of the mediated party and a mediation subscriber communication device . . . receiving, from the mediation subscriber communication device, data including a selected follow-through action,” and “facilitating voice-based communication of the selected follow-through action, by the mediation system, for performing a mediated follow-through operation associated with the mediated party,” as recited in amended Claims 1, 20 and 35. Additionally, Fuisz fails to suggest a method or apparatus for “receiving, by a mediation system, a request for voice-based communication from a communication device of a mediated party, the request for voice-based communication requesting commencement of a telephone call between the communication device of the mediated party and a mediation subscriber communication device . . . receiving, from the mediation subscriber communication device, data including a selected response from [a] selected media information menu,” and “facilitating voice-based communication of the selected response, by the mediation system, for performing a mediated follow-through operation associated with the mediated party,” as recited in amended Claims 15 and 30. The cited reference fails to disclose the recited limitations and, therefore, cannot anticipate Claims 1, 15, 20, 30 and 35.

Given that Claims 2 and 4-14 depend from Claim 1, Claims 16-19 depend from Claim 15, Claims 21 and 23-29 depend from Claim 20, and Claims 31-34 depend from Claim 30, Applicant respectfully submits that Claims 2, 4-14, 16-19, 21, 23-29 and 31-34 are allowable. As such, Applicant respectfully requests that the Examiner allow Claims 1, 2, 4-21 and 23-35.

Information Disclosure Statement

Applicants would like to bring to the Examiner's attention that Applicants filed an Information Disclosure Statement on November 5, 2004. Applicants respectfully request that this Information Disclosure Statement be considered and cited in the examination of the above-referenced application. Applicants attach a copy of the Information Disclosure Statement and PTO Form 1449 filed November 5, 2004 for the Examiner's convenience and a copy of the postcard receipt evidencing receipt by the Patent Office.

Applicants also enclose a new Information Disclosure Statement and PTO Form 1449, with a copy of the reference and a check in the amount of \$180.00, for the Examiner's review and consideration.

CONCLUSION

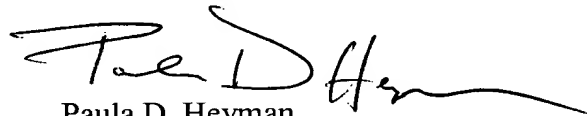
Applicants appreciate the Examiner's careful review of the application. Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. For the foregoing reasons, Applicants respectfully request reconsideration of the rejections and full allowance of Claims 1, 2, 4-21 and 23-35, as amended.

Applicants submit a Petition for Extension of Time (one month) and a check in the amount of \$60.00 for the extension fee.

Applicants believe there are no further fees due, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2581.

Respectfully submitted,
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Attorney for Applicants


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Date: Feb. 22, 2005



The "Received" stamp of the Patent and Trademark Office imprinted hereon acknowledges the filing of:

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Inventor(s): Schwartz et al.	Serial No.: 09/829,538
Title: Method and System for Facilitating Mediated Communications	
Client/Applicant: Solomio	BB File No.: 073612.0104
Mailed: 11/5/2004	Certificate of Mailing
Due: n/a	<input checked="" type="checkbox"/> Express Mail Rcpt. No.: EV351289770US
Atty./Secy.: PDH/kt	<input type="checkbox"/> First Class Mail
	<input type="checkbox"/> Hand Delivered

Receipt Date & Serial



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Schwartz et al.

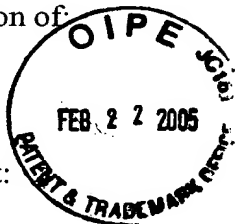
Serial No.: 09/829,538

Filed: April 9, 2001

Group Art Unit: 2144

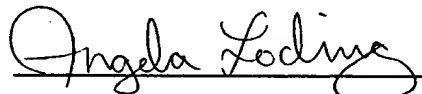
Examiner: Nguyen, Thanh T.

Title: **METHOD AND SYSTEM FOR FACILITATING
MEDIATED COMMUNICATION**



Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EV351289770US addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 5, 2004.


Angela Loding

Dear Sir:

EV351289770US

INFORMATION DISCLOSURE STATEMENT

Applicants respectfully request, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the references listed on the attached PTO-1449 form be considered and cited in the examination of the above-referenced patent application. Copies of the references are enclosed for the convenience of the Examiner. Furthermore, pursuant to 37 C.F.R. §§1.97(g) and (h), no representation is made that these references are material to the patentability of the present application.

Applicants believe no fees are due at this time. However, the Commissioner is hereby authorized to charge any additional fees to Deposit Account No. 50-2148 of Baker Botts L.L.P. in order to effectuate this filing.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Paula D. Heyman
Reg. No. 48,363

Date: Nov. 1, 2004

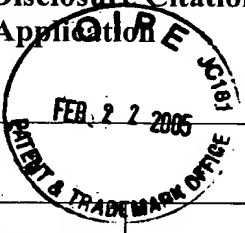
Correspondence Address:

At Customer No. **31625**

512.322.2581

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PTO-1449				Patent No. 09/829,538		Applicant(s) Schwartz et al.			
Information Disclosure Citation in an Application				Docket Number 073612.0104		Group Art Unit 2144		Filing Date April 9, 2001	



U.S. PATENT DOCUMENTS							
		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	A.	5758280	5/26/98	Kimura	455	412	9/13/96
	A.	2002/0007397	1/17/02	Ouzounidis et al.	709	206	4/5/01
	B.	2002/0023130	2/21/02	Stettner	709	205	12/21/00
	C.	2002/0103908	8/1/02	Rouse et al.	709	227	12/29/00
	D.	6430602	8/6/02	Kay et al.	709	206	8/22/00
	E.	6757732	6/29/04	Sollee et al.	709	227	3/16/00
	B.						
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	D.						
	E.						
	F.						

FOREIGN PATENT DOCUMENTS								
		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
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	H.							
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EXAMINER	DATE CONSIDERED
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